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PATENT

Customer No. 22,852

Attorney Docket No. 09641.0010-00000

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Austin SMITH et al.

Serial No.: 09/786,817

Filed: June 8, 2001

For: PROPAGATION AND/OR  
DERIVATION OF EMBRYONIC  
STEM CELLS

)  
) Group Art Unit: 1632

)  
) Examiner: Michael Wilson

)  
) Confirmation No.: 6701

)  
) CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8  
) I hereby certify that this correspondence is being transmitted by  
) facsimile to the Patent and Trademark Office on  
) November 18, 2004.

BY:   
Rachel Venturi

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31**

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated  
May 18, 2004 of the Examiner.

The item(s) checked below are appropriate:

1. ☒ A Petition for extension of time to respond to the final rejection was filed on May 18, 2004 extending the period for response to October 18, 2004.
2. ☒ A Petition for extension of time to further extend the period for response to November 18, 2004 is enclosed. The fee of \$550.00 can be charged to deposit account 06-0916.
3. ☒ The Appeal Fee of \$340.00 (or \$170.00 if by small entity)  
☐ is enclosed or ☒ is to be charged to Deposit Account No. 06-0916
4. ☐ A check for \$\_\_\_\_\_ to cover the above fees is enclosed.

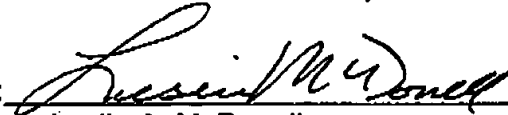
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2004

By:



Leslie A. McDonell  
Reg. No. 34,872

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
Customer No. 22,852